

United States Senate

WASHINGTON, DC 20510

October 29, 2003

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

We are writing because we have several concerns with the way the Administration has managed the rulemaking process for country of origin labeling (COOL). While we understand the Administration is opposed to COOL, it remains the law and needs to be implemented in a fair and open manner.

Some groups supportive of COOL have expressed concerns that the Office of Management and Budget (OMB) reviewed the 200-page rule in a hurried manner. Some have even suggested the Administration was pressured by COOL opponents to hasten the release of an inflated cost estimate for COOL in order to impact a vote on a related Sense of the Senate amendment.


Furthermore, in the short time frame that the rule was being reviewed, OMB's website reveals Administration officials met only with organizations opposed to COOL. On October 17, White House, OMB and USDA officials met with the American Meat Institute, Cargill Inc., Tyson Foods, the National Pork Producers Council, and National Cattlemen's Beef Association. On October 20, Administration officials met with Kraft Foods, ConAgra Foods, the American Frozen Food Institute, and the Grocery Manufacturers of America. Altogether, these organizations are the most virulent forces opposed to the COOL law. It troubles and disappoints us that groups supportive of COOL were not afforded similar access. Moreover, the meetings lend credence to those deeply concerned that the Administration is working in concert with COOL opponents to kill the law in its infancy. Why didn't Administration officials meet with farm and consumer groups that support COOL while the proposed rule was at OMB?

Our concern that the Administration may not intend to implement the COOL law in a balanced fashion was elevated by an October 27 letter from OMB to USDA. The letter, signed by Dr. Graham of OMB's Office of Information and Regulatory Affairs, regurgitates claims about the cost and impact of COOL on affected parties and the U.S. economy, while neglecting to describe the benefits of such a program. The letter says, "In light of the adverse affects of this rulemaking, we would appreciate Departmental views on whether the Administration should seek legislative relief to mitigate these impacts." It appears this letter is a transparent signal that the Administration may be working to engineer a repeal of the law an entire year before it is set to be implemented, and before the comment period for the proposed rule has concluded.

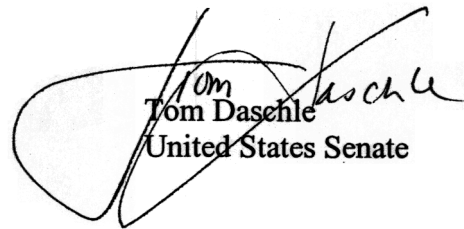
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All of these matters deeply trouble us. We request that you direct OMB and USDA officials to respond to our concerns at their earliest convenience. Thank you for your time and consideration.

Sincerely,



Tim Johnson
United States Senate



Tom Daschle
United States Senate